



MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

Barry K. Myrvold  
Special Federal Litigation  
(212) 788-9391  
(212) 788-9776 (fax)  
bmyrvold@law.nyc.gov

July 31, 2007

**BY FACSIMILE (212) 805-6382**

Honorable Victor Marrero  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Suite 660  
New York, New York 10007

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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Re: Thomas Burke v. The City of New York, et al.  
07 CV 6510 (VM)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the defendants City of New York and Correction Commissioner Martin F. Horn in this action. Defendants respectfully request that their time to respond to the complaint in this action be extended for sixty days from August 7, 2007 to October 5, 2007. Plaintiff's counsel, Scott G. Cerbin, consents to this request.

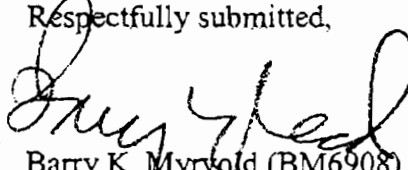
We are seeking this extension of time in order to investigate the allegations of the complaint in accordance with our obligations under Rule 11 of the Federal Rules of Civil Procedure. Here, plaintiff, an inmate at Rikers Island, alleges that on or about November 5, 2006, he was attacked and beaten by certain unidentified police officers thereby sustaining serious personal injuries. Accordingly, it is necessary for our office to acquire as much information as possible concerning this incident in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of records that may have been sealed under New York Criminal Procedure Law § 160.50. This executed release is necessary for our office to obtain the District Attorney, Criminal Court and police records pertaining to plaintiff's underlying arrest and prosecution. This office is also in the process of forwarding to plaintiff for execution a medical release, which is necessary for our office to obtain the medical records pertaining to plaintiff's alleged injuries and treatment.

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No previous request for an extension has been made in this action. Accordingly, we respectfully request that defendants' time to respond to the complaint be extended until October 5, 2007.


I thank the Court for its time and consideration of this request.

Respectfully submitted,

  
Barry K. Myrvold (BM6908)  
Special Federal Litigation

cc: Scott G. Cerbin, Esq.  
Scott G. Cerbin, LLC  
*Attorney for Plaintiff*

Via Facsimile (718) 228-4612

Request GRANTED. The time for defendant(s) to answer or otherwise move with respect to the complaint in this action is extended to <u>10-5-07</u>	
SO ORDERED.	
<u>7-31-07</u> DATE	 VICTOR MARRERO, U.S.D.J.